

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ) Chapter 7  
BEVERLY JANE CARY, ) Bankruptcy No. 20-12450  
Debtor(s). ) TRUSTEE’S OBJECTION  
TO AMENDED EXEMPTIONS

COMES NOW the trustee in this matter, Ronald G. Brown, through counsel The Livesey Law Firm, and Rory C. Livesey, and objects to the property claimed as exempt by the debtor.

The debtor filed her petition on September 25, 2020. On Schedule A/B - Property, the debtor lists her residence located at 27834 - 31<sup>st</sup> Place South, Auburn, Washington 98001. She values the property at \$339,315.32. Specifically, the schedules state as follows:

“27834 31st Pl. S., Auburn, WA 98001  
Purchased 4/2/2007 for \$273k;  
present zillow value: \$368,821 as of  
9/14/2020 per zillow.com; value after  
8% cost of sale: \$339,315.32.”

On Schedule C - Exemptions, the debtor opted for the state exemptions and claims 100 percent of the fair market value, up to any applicable statutory limit. The exemption schedule also contains the above paragraph.

On March 16, 2021, the debtor filed an Amended Schedule A/B - Property. Again, she listed the property at the same value. However, the accompanying paragraph states as follows:

“Purchased 4/2/2007 for \$273k; present zillow value: \$368,821 as of  
9/14/2020 per zillow.com; value after 8% cost of sale:  
\$339,315.32. Debtor does not know if she has a claim against the  
second lienholder, Noah (fka Patch Homes), for predatory practices  
or not. The intent with exempting the property is to also include and

1 preserve any claims she may have against that lender based upon DFI  
2 of Wa regulatory [sic] action, CPA claim, or other federal and state  
actions, if any.

3 Patch appears to have taken an equity interest in Debtor's property.  
4 See King County Recorder's Office No 20190821001119.”

5 On the same date, the debtor amended her Schedule C-Exemptions and Schedule D - Secured  
6 Creditors. Both include the same paragraph. The debtor appears to be tying the potential claim  
7 against Noah to her homestead without any showing that the claim is a real property interest and  
8 properly part of the exemption. Predatory lending claims and CPA claims can be pursued separately  
9 from the property. To the extent that the debtor is asserting that the homestead exemption exempts  
10 the claim against Noah, the trustee hereby objects.

11 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of March, 2021.

12 THE LIVESEY LAW FIRM

13 */S/ Rory C. Livesey*

14 Rory C. Livesey, WSBA #17601  
15 Attorney for Ronald G. Brown, Trustee